

IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.46.02 - RULES GOVERNING TELECOMMUNICATIONS RELAY SERVICES (TRS)

DOCKET NO. 31-4602-1601

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 1, 2016.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 61-1306, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

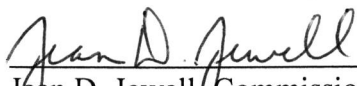
Telecommunication Relay Services (TRS) enable a communications-impaired person to send and receive messages to and from a non-communications-impaired person, using specialized telecommunications equipment. The Commission contracts with a TRS Administrator that requests and evaluates proposals from TRS providers that wish to enter a contract to be a TRS provider for Idaho. The temporary rule was needed to enable the Administrator to proceed with securing a TRS provider, thus ensuring that TRS services could continue. Idaho's TRS program ensures the health, safety, and welfare of deaf and hearing-impaired citizens in Idaho. Without a TRS program, an emergency situation can become fatal if, for example, a hearing-impaired person cannot communicate with first-responder personnel. The Commission understands that this rule may change as a result of the later negotiated rule process.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to ensure protection of the public health, safety and welfare, specifically Idaho's deaf and hearing-impaired community.

FEE SUMMARY: No fee or charge is imposed or increased by the temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Grace Seaman at 208-334-0352.

DATED this 2nd day of June 2016



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103. ESTABLISHMENT OF TELEPHONE INDUSTRY ADVISORY COMMITTEE (RULE 103).

01. Establishment of Committee. The Commission hereby establishes a telephone industry advisory committee with which the administrator shall consult in ~~the formulation of a Request for Proposals (RFP) for telecommunications relay services (TRS),~~ the assessment of responses to the RFP, and ~~the review of the quality of services provided.~~ The industry committee shall have ~~seven~~ three (3) members, who shall be representatives of: (7-1-93)(5-1-16)T

a. ~~U-S-WEST Communications, Inc., (the A largest provider of local exchange and intraLATA MTS services in the southern Idaho LATA and in the lower Clearwater drainage associated with the Spokane LATA), which is hereby appointed to a permanent seat on the committee;~~ (7-1-93)(5-1-16)T

b. ~~GTE Northwest Incorporated, (the provider of local exchange service and intraLATA MTS in northern Idaho), which is hereby appointed to a permanent seat on the committee;~~ (7-1-93)

c. ~~Two (2) An independent telephone companies providing local exchange services and a member of to be appointed from nominees recommended by the Idaho Telephone Association (the trade group that includes independent telephone companies in Idaho); and~~ (7-1-93)(5-1-16)T

d. ~~AT&T Communications of the Mountain States, Inc. (the principal interLATA MTS carrier in Idaho), which is hereby appointed to a permanent seat on the Committee; The Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities.~~ (7-1-93)(5-1-16)T

e. ~~MCI Telecommunications Corporation (an MTS carrier that has expressed great interest in the TRS rulemaking), which is hereby appointed to a permanent seat; and~~ (7-1-93)

f. ~~One other MTS carrier that is not a local exchange company (e.g., Sprint, Northwest Teleco).~~ (7-1-93)

PROPOSED RULEMAKING CHECKLIST

Docket Number (Assigned by the Office of Administrative Rules): 31-4602-1601
(OAR will assign docket number to Negotiated, Proposed and Temporary rulemakings.)

IDAPA, Title, and Chapter Number and Chapter Name:
31.46.01 – Rules Governing Telecommunications Relay Services (TRS)

Agency: Idaho Public Utilities Commission

Agency Contact and Phone Number: Daphne Huang, 334-0357

Legal Authority for rulemaking - Idaho Code Section(s): 61-1306

This rulemaking is a: (Check at least one; it may be necessary to check more than one)

Negotiated Rulemaking ☐ Proposed Rulemaking ☐
Temporary Rulemaking ☒ Effective Date of Temporary Rule: 5/1/16

Temporary Rule Justification (See Idaho Code Section 67-5226):

☒ Protection of the public health, safety, or welfare; or
☐ Compliance with deadlines in amendments to governing law or federal programs; or
☐ Conferring a benefit.

Does any portion of this rulemaking impose or increase a fee or charge? No
If yes, provide a specific description along with the citation of the statute authorizing the imposition or increase.

Does this rulemaking have a negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year? No
If yes, include a descriptive summary of the fiscal impact involved

Does this rulemaking necessitate changes in other rules? No
If yes, please specify.

Have any documents been Incorporated by Reference into this rulemaking? No
Specify an exact description of document(s) incorporated by reference.

HAVE YOU...

☒ 1. Had your legal counsel reviewed your rulemaking?
☒ 2. Received approval from your Director, Board or Commission for the rulemaking?

HAVE YOU INCLUDED...

☒ 1. An approved and signed Proposed/Temporary Administrative Rules Form (PARF)?
☒ 2. An electronic version of the Notice and complete text of the rule changes in Word or RTF?



Administrative Rules Request Form

Agency Name: Public Utilities Commission		Submitted on: 05/12/2016							
Primary Contact: Joe Leckie	Phone: 208-334-0330	Email: joe.leckie@puc.idaho.gov							
Secondary Contact: Maria Barratt-Riley	Phone: 208-334-0337	Email: maria.barratt-riley@puc.idaho.gov							
Person Authorizing Rule: Joe Leckie	Phone: 208-334-0330	Email: joe.leckie@puc.idaho.gov							
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): 61-1306									
Title, Chapter, and Possible Docket (IDAPA) Number: 31.46.02									
This rule is: <input type="checkbox"/> Proposed <input type="checkbox"/> Temporary <input checked="" type="checkbox"/> Proposed/Temporary			Effective Date: 05/01/2016						
If this is a temporary rule: <input checked="" type="checkbox"/> Necessary to protect the public health, safety, or welfare; or <input type="checkbox"/> Compliance with deadlines in amendments to governing law or federal programs; or <input type="checkbox"/> Conferring a benefit. Please explain: This temporary rule is needed to both protect the public health, safety and welfare by continuing to provide telecommunication relay services to the deaf and hearing impaired citizens in Idaho. Without a telecommunications relay services program in place, any type of emergency situation can become fatal if a person with hearing impairment cannot communicate with first responder personnel. In addition, this temporary rule will continue to confer the benefit of communication for the deaf and hearing impaired community within Idaho. The Commission understands that this rule may change as a result of the later negotiated rule process, however due to the immediate need to have a reconstituted advisory committee to allow the Idaho Public Utilities Commission to issue an order naming said representatives, that will then assist in the evaluation of the RFP proposals for the continuation of telecommunication relay services this rule is being requested as a temporary/proposed rule with a May 1st effective date. If this is a temporary rule which imposes a fee or charge, provide justification as described in Idaho Code 67-5226(2): N/A									
Agency has determined according to Idaho Code 67-5220(1): <input type="checkbox"/> This rule is to be negotiated Agency certifies that the rule : <input type="checkbox"/> has been <input type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). <input checked="" type="checkbox"/> Negotiation of this rule is not feasible <table border="0"><tr><td><input checked="" type="checkbox"/> Rule is temporary; or</td><td><input type="checkbox"/> Lack of identifiable representatives of affected interests; or</td></tr><tr><td><input type="checkbox"/> Rule is simple in nature; or</td><td><input type="checkbox"/> Affected interests are not likely to reach consensus; or</td></tr><tr><td colspan="2"><input type="checkbox"/> Other.</td></tr></table> Please explain: As mentioned above, this rule is both temporary and proposed. The Commission will go through the negotiated rule process this summer.				<input checked="" type="checkbox"/> Rule is temporary; or	<input type="checkbox"/> Lack of identifiable representatives of affected interests; or	<input type="checkbox"/> Rule is simple in nature; or	<input type="checkbox"/> Affected interests are not likely to reach consensus; or	<input type="checkbox"/> Other.	
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<input type="checkbox"/> Rule is simple in nature; or	<input type="checkbox"/> Affected interests are not likely to reach consensus; or								
<input type="checkbox"/> Other.									
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: There is no fiscal impact tied to this rule, however without this temporary rule being proposed a new contract for relay services cannot be issued.									

Provide a short explanation of the need for this rule:

The current rule establishes a seven (7) member advisory committee comprised specific entities (U.S. West, GTE Northwest, AT&T of the Mtn States, MCI, etc.) for the purpose of formulation RFP for telecommunication relay services. Several of these specific entities either no longer exist, or have changed names/owners, etc. The telecommunications relay services program is required to be administered by 3rd party administrator, who recently issued a new RFP for relay services. This advisory committee, as the rule is currently written cannot be convened to assist in the evaluation of submitted bids/proposals for contract award.

Does this rule adopt amendments to materials previously incorporated by reference? ☐ Yes ☒ No Filename:

Provide a short summary of the changes this rule makes:

This rule eliminates the reference of specific entities to serve on the advisory council, and instead identifies representatives from the following to be named by the Idaho Public Utilities Commission in an official Commission Order: 1. One representative from a large provider of local exchange and intraLATA MTS services in Idaho 2. One representative from an independent telephone company providing local exchange services who is a member of the Idaho Telephone Association (trade group) 3. One representative from the Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities. In addition to removing the specific entities and renaming categories of entities, this rule reduces the size of the advisory committee from seven (7) to three (3). The purpose of the advisory committee remains the same, to assist with the assessment of response to the RFP and review of the services provided.

Provide a list of those persons or interested group(s) affected by the rule:

The deaf and hearing impaired community, local exchange carriers, and telecommunication relay providers.

DFM Analyst: Gideon Tolman Recommendation: ☒ Recommended ☐ Not Recommended ☐ Pending Date: 05/13/2016

Comments:

Although this will go through the proposed rule process, the current contract needs to be renegotiated this summer, so it is going through as temporary as well in order to continue to provide services for hearing impaired citizens.

Fiscal Impact Comments:

There is no fiscal impact.

Special Assistant: Stephen Goodson Recommendation: ☒ Recommended ☐ Not Recommended Date: 05/13/2016

Comments:

DFM Administrator Action: 05/16/2016

☐ Authorized to Advance to Rulemaking Process, DFM to review draft rule prior to publication

☒ Approved ☐ Not Approved